

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 08-04027 PVT</b>	DATE FILED <b>8/22/2008</b>	U.S. DISTRICT COURT <b>280 South First Street, Rm 2112, San Jose, CA 95113</b>
PLAINTIFF <b>WORDTECH SYSTEMS INC</b>		DEFENDANT <b>MICROTECH SYSTEMS INC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>6,141,298</b>		SEE ATTACHED COMPLAINT
2 <b>6,532,198</b>		
3 <b>6,822,932</b>		
4 <b>7,145,841</b>		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
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5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK  <b>Richard W. Wieking</b>	(BY) DEPUTY CLERK  <b>Betty Walton</b>	DATE  <b>August 27, 2008</b>
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

1 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

2 57. MICROTECH had been informed that a license was needed under Patent '841.

3 58. On information and belief, MICROTECH's infringement of Patent '841 has been and continues to  
4 be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and  
5 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

6 59. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff  
7 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of  
8 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and  
9 property rights and has suffered and is suffering and will continue to suffer injury and damages for  
10 which it is entitled to relief under 35 U.S. C. § 284.

11 60. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS  
12 TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION,  
13 RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE  
14 COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold,  
15 offered for sale, used, sold, and/or imported in this district and elsewhere in the United States  
16 MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent  
17 '841.

18 61. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is  
19 being, and continues to be damaged according to proof. Unless such acts and practices of  
20 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured  
21 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §  
22 284.

23 62. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is  
24 being, and continues to be damaged according to proof. Unless such acts and practices of  
25 defendant are enjoined by the Court, Plaintiff will continue to be injured in its business and  
26 property rights and has suffered and is suffering and will continue to suffer injury and damages for  
27 which it is entitled to relief under 35 U.S. C. § 284.

28 **PRAYER FOR RELIEF**

1 WEREFOR, plaintiff prays for the entry of a judgment from this Court:

2 a. Declaring that United States Patent No. 6,141,298 was duly and legally issued, and is valid and  
3 enforceable;

4 b. Declaring that United States Patent No. 6,532,198 was duly and legally issued, and is valid and  
5 enforceable;

6 c. Declaring that United States Patent No. 6,822,932 was duly and legally issued, and is valid and  
7 enforceable;

8 d. Declaring that United States Patent No. 7,145,841 was duly and legally issued, and is valid and  
9 enforceable;

10 e. Declaring that defendant MICROTECH, Inc. has directly infringed, contributorily infringed, and or  
11 induced infringement of one or more claims of Patents '298, '198, 932, and 841;

12 f. Declaring that defendant MICROTECH, Inc. has willfully infringed one or more claims of Patents  
13 '298, '198, 932, and 841;

14 g. Deeming this to be an exceptional case within the meaning of 35 U.S.C. § 285, entitling plaintiff  
15 WORDTECH, to an award of its reasonable attorneys' fees expense and costs in this action from  
16 MICROTECH; and

17 h. Preliminarily and permanently enjoining defendant MICROTECH, and its respective officers,  
18 agents, servants employees, and attorneys and those persons in active concert or participation with  
19 them who receive notice of the order by personal service or otherwise, from committing further  
20 acts of infringement under 35 U.S.C. 271 of one or more claims of Patents '298, '198, 932, and 841  
21 pursuant to 35 U.S. C § 283;

22 i. Declaring that the RESELLERS have directly infringed, contributorily infringed, and or induced  
23 infringement of one or more claims of Patents '298, '198, 932, and 841;

24 j. Awarding plaintiff damages in accordance with 35 U.S. C. § 284;

25 k. Awarding plaintiff its costs in connection with this action;

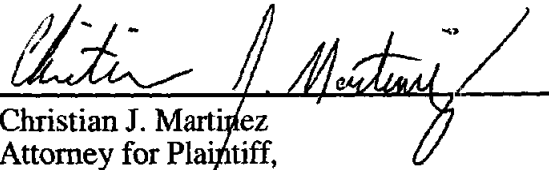
26 l. Awarding plaintiff such other and further relief as this Court may deem to be just and proper.

27 //

28 //

1 DATE: 8/20/08

2 RESPECTFULLY SUBMITTED,

3 

4 Christian J. Martinez  
5 Attorney for Plaintiff,  
6 Wordtech Systems, Inc.  
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FILED

AUG 22 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 CHRISTIAN J. MARTINEZ (CA State Bar No. 215360)  
2 2500 Dean Leshner Drive, Suite A  
3 Concord, CA 94520  
4 Telephone: (925) 689-1200  
5 Facsimile: (925) 689-1263  
6 cmartinez@copypro.com

7 RICHARD ESTY PETERSON (CA State Bar No. 41013)  
8 1905-D Palmetto Avenue  
9 Pacifica, CA 94044  
10 Telephone: (650) 557-5708  
11 Facsimile: (650) 557-5716  
12 sfreptile@mac.com

13 Attorneys for Plaintiff  
14 WORDTECH SYSTEMS, INC.,

E-filing

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

PVT

18 WORDTECH SYSTEMS INC.,

Case No.:

19 Plaintiff,

CV 08

4027

20 v.

COMPLAINT FOR PATENT  
INFRINGEMENT

21 MICROTECH SYSTEMS, INC., a California  
22 corporation, AT EASE COMPUTING, INC.,  
23 BROWARD MICROFILM, INC., BUSINESS  
24 TEK, INC., CRANEL, INC. d/b/a CRANEL  
25 IMAGING, ELECTRIC PICTURE COMPANY,  
26 INC., d/b/a TAPEONLINE, GRA PACKAGING  
27 SERVICES OF ROCHESTER, INC d/b/a  
28 SPINERGY, MASTER RECORDING SUPPLY,  
INC., PROACTION NETWORK, LLC., d/b/a  
PROACTION MEDIA, RESOURCE DATA  
PRODUCTS INC., SAS-WEBTRONICS,  
STORAGE HEAVEN, TERA-STORAGE  
SOLUTION, INC., THE TAPE COMPANY LLC  
and DOES 1-50,

JUDGE:  
TRIAL DATE:

Defendants.

1  
2 Plaintiff, WORDTECH SYSTEMS Inc. ("WORDTECH"), a California corporation, in and through its  
3 attorneys, alleges:

4 **THE PARTIES**

- 5 1. Plaintiff, WORDTECH is a corporation organized under the laws to the State of California with its  
6 principal place of business located at Concord, California.
- 7 2. On information and belief, defendant Microtech Systems, Inc. ("MICROTECH"), is a corporation  
8 doing business in the State of California, with its principal place of business in Belmont,  
9 California.
- 10 3. On information and belief, defendant At Ease Computing, Inc. ("AT EASE") is a corporation  
11 organized under the laws of the State of Massachusetts with its principal place of business in  
12 Westborough.
- 13 4. On information and belief, defendant Broward Microfilm, Inc. ("BROWARD MICROFILM") is a  
14 corporation organized under the laws of the State of Florida, with its principal place of business in  
15 Ft. Lauderdale.
- 16 5. On information and belief, Business Tek, Inc. ("BUSINESS TEK") is a corporation organized  
17 under the laws of the State of Ohio, with its principal place of business in Dayton.
- 18 6. On information and belief, Cranel, Inc., doing business as Cranel Imaging, ("CRANEL") is a  
19 corporation organized under the laws of the State of Ohio, with its principal place of business in  
20 Columbus.
- 21 7. On information and belief, Electric Picture Company, Inc., doing business as Tapeonline  
22 ("TAPEONLINE") is a corporation organized under the laws of the State of Tennessee with its  
23 principal place of business in Nashville.
- 24 8. On information and belief, Gra Packaging Services of Rochester, Inc., doing business as Spinergy  
25 ("SPINERGY") is a corporation organized under the laws of the State of New York with its  
26 principal place of business in Rochester.
- 27 9. On information and belief, Master Recording Supply, Inc., ("MASTER RECORDING") is a  
28 corporation organized under the laws of the State of California with its principal place of business

1 in Santa Ana.

2 10. On information and belief, Proaction Network, L.L.C., doing business as Proaction Media  
3 ("PROACTION") is a Limited Liability Company organized under the laws of the State of Arizona  
4 with its principal place of business in Phoenix.

5 11. On information and belief, Resource Data Products Inc., ("RESOURCE DATA") is a corporation  
6 organized under the laws of the State of Pennsylvania with its principal place of business in Lititz.

7 12. On information and belief, Sas-Webtronics ("WEBTRONICS") is a business entity, form  
8 unknown, with its principal place of business in Ashland City, Tennessee.

9 13. On information and belief, Storage Heaven ("STORAGE HEAVEN ") is a business entity, form  
10 unknown, with its principal place of business in Plantation, Florida.

11 14. On information and belief, Tera-storage Solution, Inc. ("TERA-STORAGE") is a corporation  
12 organized under the laws of the State of Texas with its principal place of business in Manchaca.

13 15. On information and belief, Discount Media Products, L.L.C., doing business as The Tape  
14 Company, L.L.C., ("THE TAPE COMPANY"), is a Limited Liability Company organized under  
15 the laws of Illinois, with its principal place of business in Chicago.

16 16. Plaintiff is ignorant of the true names or capacities of the defendants sued herein under the  
17 fictitious names of DOES 1 -50 inclusive. Plaintiff will amend this Complaint to allege their true  
18 names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that  
19 each of the fictitiously named defendants is responsible in some manner for the occurrences herein  
20 alleged, and that Plaintiff's injuries as alleged herein were proximately caused by the wrongful  
21 conduct of these fictitiously named defendants.

22 17. Plaintiff is informed and believes and thereon alleges that at all times herein, DOES 1-50 were the  
23 agents, servants, and /or employees of their codefendants and in doing the things alleged herein  
24 were acting within the course and scope of their authority with the permission and consent of their  
25 codefendants.

#### 26 JURISDICTION AND VENUE

27 18. This action arises under the patent laws of the United States, 35 U.S. C. §§ 271, 281, and 283-285.

28 19. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).

1 20. Venue is proper in this Court under 28 U.S. C. §§ 1391(b) and 1391(c) and/or 1400(b).

2 **INTRADISTRICT ASSIGNMENT**

3 21. This is an Intellectual Property Action under this Court's Assignment Plan, and therefore  
4 assignment to any division of the Court is proper pursuant to Civil L.R. 3-2(c).

5 **BACKGROUND**

6 22. On October 31, 2000, the U.S. Patent Office issued U.S. Patent No. 6,141,298, entitled  
7 Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the  
8 inventor ("Patent '298"). A true and correct copy of Patent '298 is attached hereto as **Exhibit 1**.

9 23. On March 11, 2003, the U.S. Patent Office issued a patent, U.S. Patent No. 6,532,198 entitled  
10 Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the  
11 inventor ("Patent '198). A true and correct copy of Patent '198 is attached hereto as **Exhibit 2**.

12 24. On or about November 23, 2004, the U.S. Patent Office issued a patent, U.S. Patent No. 6,822,932  
13 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as  
14 the inventor ("Patent '932). A true and correct copy of Patent '932 is attached hereto as **Exhibit 3**.

15 25. On or about November 23, 2004, the U.S. Patent Office issued a patent, U.S. Patent No. 7,145,841  
16 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as  
17 the inventor ("Patent '841). A true and correct copy of Patent '841 is attached hereto as **Exhibit 4**.

18 26. WORDTECH is sole and exclusive owner by assignments by the inventor, David Miller, of all  
19 rights, title, and interest in Patents '298, '198, '932, and '841, and has the right to bring this suit for  
20 damages and injunctive relief.

21 27. Patents '298, '198, '932, and '841 relate to a Programmable Self-Operating Compact Disk  
22 Duplication System, including, *inter alia*, the controller, whether single card or a motherboard  
23 configuration, software, drives, robotics, printers, accessories, housing or any other component to  
24 operate the disk duplicator and were duly issued to David Miller and assigned to Wordtech.

25 **COUNT I**

26 **(Infringement of U.S. Patent 6,141,298)**

27 28. Plaintiff hereby incorporates paragraphs 1-27 above, inclusive, by this reference.

28 29. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using,

1 selling, importing and/or offering to sale programmable self-operating compact disc duplication  
2 systems ("MICROTECH DEVICES)" that infringe each of the elements of one or more claims of  
3 the '298 patent, without a license from WORDTECH.

4 30. On information and belief, by making, using, selling, importing and or offering for sale  
5 MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and  
6 will continue to directly and contributorily infringe one more of the claims of Patent '298 under 35  
7 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

8 31. MICROTECH had been informed that a license was needed under Patent '298.

9 32. On information and belief, MICROTECH's infringement of Patent '298 has been and continues to  
10 be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and  
11 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

12 33. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff  
13 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of  
14 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and  
15 property rights and has suffered and is suffering and will continue to suffer injury and damages for  
16 which it is entitled to relief under 35 U.S. C. § 284.

17 34. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS  
18 TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION,  
19 RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE  
20 COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold,  
21 offered for sale, used, sold, and/or imported in this district and elsewhere in the United States  
22 MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent  
23 '298.

24 35. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is  
25 being, and continues to be damaged according to proof. Unless such acts and practices of  
26 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured  
27 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §  
28 284.

COUNT II

(Infringement of U.S. Patent 6,532,198)

36. Plaintiff hereby incorporates paragraphs 1-35 above, inclusive, by this reference.

37. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using, selling, importing and/or offering to sale programmable self-operating compact disc duplication systems ("MICROTECH DEVICES") that infringe each of the elements of one or more claims of Patent '198, without a license from WORDTECH.

38. On information and belief, by making, using, selling, importing and or offering for sale MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and will continue to directly and contributorily infringe one more of the claims of Patent '198 under 35 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

39. MICROTECH had been informed that a license was needed under Patent '198.

40. On information and belief, MICROTECH's infringement of Patent '198 has been and continues to be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

41. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of defendant are enjoined by the Court, plaintiff will continue to be injured in its business and property rights and has suffered and is suffering and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. § 284.

42. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION, RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold, offered for sale, used, sold, and/or imported in this district and elsewhere in the United States MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent '198.

43. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is

1 being, and continues to be damaged according to proof. Unless such acts and practices of  
2 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured  
3 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §  
4 284.

5 44. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is  
6 being, and continues to be damaged according to proof. Unless such acts and practices of  
7 defendant are enjoined by the Court, Plaintiff will continue to be injured in its business and  
8 property rights and has suffered and is suffering and will continue to suffer injury and damages for  
9 which it is entitled to relief under 35 U.S. C. § 284.

### 10 COUNT III

#### 11 (Infringement of U.S. Patent No. 6,822,932)

12 45. Plaintiff hereby incorporates paragraphs 1-44 above, inclusive, by this reference.

13 46. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using,  
14 selling, importing and/or offering to sale programmable self-operating compact disc duplication  
15 systems ("MICROTECH DEVICES") that infringe each of the elements of one or more claims of  
16 Patent '932, without a license from WORDTECH.

17 47. On information and belief, by making, using, selling, importing and or offering for sale  
18 MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and  
19 will continue to directly and contributorily infringe one more of the claims of Patent '932 under 35  
20 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

21 48. MICROTECH had been informed that a license was needed under Patent '932.

22 49. On information and belief, MICROTECH's infringement of Patent '932 has been and continues to  
23 be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and  
24 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

25 50. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff  
26 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of  
27 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and  
28 property rights and has suffered and is suffering and will continue to suffer injury and damages for

1 which it is entitled to relief under 35 U.S. C. § 284.

2 51. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS  
3 TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION,  
4 RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE  
5 COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold,  
6 offered for sale, used, sold, and/or imported in this district and elsewhere in the United States  
7 MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent  
8 '932.

9 52. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is  
10 being, and continues to be damaged according to proof. Unless such acts and practices of  
11 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured  
12 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §  
13 284.

14 53. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is  
15 being, and continues to be damaged according to proof. Unless such acts and practices of  
16 defendant are enjoined by the Court, Plaintiff will continue to be injured in its business and  
17 property rights and has suffered and is suffering and will continue to suffer injury and damages for  
18 which it is entitled to relief under 35 U.S. C. § 284.

19 **COUNT IV**

20 **(Infringement of Patent 7,145,841)**

21 54. Plaintiff hereby incorporates paragraphs 1-53 above, inclusive, by this reference.

22 55. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using,  
23 selling, importing and/or offering to sale programmable self-operating compact disc duplication  
24 systems ("MICROTECH DEVICES") that infringe each of the elements of one or more claims of  
25 Patent '841, without a license from WORDTECH.

26 56. On information and belief, by making, using, selling, importing and or offering for sale  
27 MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and  
28 will continue to directly and contributorily infringe one more of the claims of Patent '841 under 35